REMARKS

Claim 7 has been cancelled by the present amendment and therefore upon entry, claims 1-6 and 8-22 are pending in the present application. Claim 1 and claim 16 have been amended to incorporated the subject matter of cancelled claim 7.

Claims 1 and 16, have been amended to recite that the particle size of the bioceramic or bioglass reinforcing component is between 2μm and 150μm. Applicants submit that none of the references cited throughout prosecution teach or suggest this element. In rejecting claim 7 (which originally recited this element), the Examiner has recognized that this element is not taught by any of the references but has consistently stated that "optimizing parameters" such as the "size of the bioceramic particles is well within the scope of ordinary skill in the art, such that the composite allows for the in growth of the bone and fibers impart good mechanical strength to the composite." However, Applicants contend that the the claimed particle size of the bioceramic or bioglass reinforcing component is not "well within the scope of ordinary skill in the art" and is actually quite different than the particle size conventionally used in surgical composite materials as disclosed in Applicants' specification. Specifically, the specification states at page 6, lines 14-22:

> [t]he defined particle size of the ceramic element in the composite described in this invention is relatively big compared to conventionally used particle sizes for fillers or granules. In this invention, it was found unexpectedly that composites having bigger particle size ceramic elements are more biocompatible and cause less irritation to tissue than composites utilizing a ceramic element having small particle size. Biocompatibility is easily seen in histological studies. In tissue near and inside the degrading composite implants having small ceramic particles there exists more giant cells than around and inside the degrading composite implants containing big (coarser) ceramic particles.

None of the cited references (U.S. Patent No. 5,084,051, U.S. Patent No. 4,968,317, and the journal article, "*In Vivo Evaluation of Hydroxyapatite Reinforced Polyethylene Composites*" by Bonfield) teach or suggest a particle size of the bioceramic or bioglass reinforcing component of a composite material being between 2μm and 150μm, as recited in independent claims 1 and 16. Furthermore, a composite material having bioceramic or bioglass reinforcing components

with this particular particle size is contrary to conventional practice in this field and renders unexpected benefits, such as greater biocompatibility and less irritation to tissue. For at least these reasons, Applicants submit that claims 1 and 16 (and all claims that depend therefrom) are not rendered obvious by any of the cited references.

CONCLUSION

Applicants submit that the subject application is in condition for allowance, and respectfully requests that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

The Office is authorized to charge any underpayment or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

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